

# PATENT COOPERATION TREATY

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**SHERIDAN, ROSS**

From the INTERNATIONAL SEARCHING AUTHORITY

<b>To:</b> THERESA A. BROWN SHERIDAN ROSS P.C. 1560 BROADWAY, SUITE 1200 DENVER, CO 80202-5141
<b>Reviewed:</b> <b>Date:</b> 12-28-00 <b>Initial:</b> ADP <b>Please return to Janice</b>

## PCT

### NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL SEARCH REPORT OR THE DECLARATION

(PCT Rule 44.1)

Applicant's or agent's file reference <b>4152-3-PCT</b>	Date of Mailing (day/month/year) <b>14 NOV 2000</b>
International application No. <b>PCT/US00/19336</b>	International filing date (day/month/year) <b>13 JULY 2000</b>
Applicant <b>BOLDER BIOTECHNOLOGY INC.</b>	

1. <input checked="" type="checkbox"/>	<p>The applicant is hereby notified that the international search report has been established and is transmitted herewith.</p> <p><b>Filing of amendments and statement under Article 19:</b>          The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):</p> <p style="padding-left: 40px;">When? The time limit for filing such amendments is normally 2 months from the date of transmittal of the international search report; however, for more details, see the notes on the accompanying sheet.</p> <p style="padding-left: 40px;">Where? Directly to the International Bureau of WIPO          34, chemin des Colombettes          1211 Geneva 20, Switzerland          Facsimile No.: (41-22) 740.14.35</p> <p style="padding-left: 40px;">For more detailed instructions, see the notes on the accompanying sheet.</p>
2. <input type="checkbox"/>	<p>The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect is transmitted herewith.</p>
3. <input type="checkbox"/>	<p>With regard to the protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:</p> <p><input type="checkbox"/> the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.</p> <p><input type="checkbox"/> no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.</p>
4.	<p><b>Further action(s):</b> The applicant is reminded of the following:</p> <p>Shortly after 18 months from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in rules 90 bis 1 and 90 bis 3, respectively, before the completion of the technical preparations for international publication.</p> <p>Within 19 months from the priority date, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later).</p> <p>Within 20 months from the priority date, the applicant must perform the prescribed acts for entry into the national phase before all designated Offices which have not been elected in the demand or in a later election within 19 months from the priority date or could not be elected because they are not bound by Chapter II.</p>

Name and mailing address of the ISA/US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231 Facsimile No. (703) 305-3230	Authorized officer FOZIA HAMUD <i>Fozia Hamud</i> Telephone No. (703) 308-0196
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# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 4152-3-PCT	<b>FOR FURTHER ACTION</b> see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. PCT/US00/19336	International filing date (day/month/year) 13 JULY 2000	(Earliest) Priority Date (day/month/year) 13 JULY 1999
Applicant BOLDER BIOTECHNOLOGY INC.		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 4 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

#### 1. Basis of the report

a. With regard to the language, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.  
☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

b. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international search was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

2. ☒ Certain claims were found unsearchable (See Box I).

3. ☐ Unity of invention is lacking (See Box II).

4. With regard to the title,

- ☒ the text is approved as submitted by the applicant.
- ☐ the text has been established by this Authority to read as follows:

5. With regard to the abstract,

- ☒ the text is approved as submitted by the applicant.
- ☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the drawings to be published with the abstract is Figure No. \_\_\_\_\_

- ☐ as suggested by the applicant.
- ☐ because the applicant failed to suggest a figure.
- ☐ because this figure better characterizes the invention.

☒ None of the figures.

## INTERNATIONAL SEARCH REPORT

International application No.  
PCT/US00/19336**Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)**

This international report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☐ Claims Nos.:  
because they relate to subject matter not required to be searched by this Authority, namely:
2. ☐ Claims Nos.:  
because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:
3. ☒ Claims Nos.: 7-14, 22, 23, 26-37  
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

**Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)**

This International Searching Authority found multiple inventions in this international application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this international search report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

## INTERNATIONAL SEARCH REPORT

International application No.  
PCT/US00/19336

<b>A. CLASSIFICATION OF SUBJECT MATTER</b> IPC(7) : A61K 39/395, 39/00; C07K 16/001/00 US CL : 424/134.1, 185.1, 192.1; 435/69.7; 530/387.3, 351, According to International Patent Classification (IPC) or to both national classification and IPC		
<b>B. FIELDS SEARCHED</b> Minimum documentation searched (classification system followed by classification symbols) U.S. : 424/134.1, 185.1, 192.1; 435/69.7; 530/387.3, 351, Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched Electronic data base consulted during the international search (name of data base and, where practicable, search terms used) West, US Patent ful, STN via medline, biosis, caplus, embase. Search terms: fusion, hybrid, chimera?, immunoglobulin, cytokine, growth factor, epo, gm-csf, ifn-gamma, linker peptide		
<b>C. DOCUMENTS CONSIDERED TO BE RELEVANT</b>		
Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X - Y	SHU et al. Generation and characterization of a single-gene encoded single-chain immunoglobulin-interleukin-2 fusion protein. Immunotechnology. 1995, Vol. 1, Nos. 3-4, pages 231-241, especially see abstract and page 233, column 1.	1-6 ----- 24
X - Y	CURTIS et al. Enhanced hematopoietic activity of a human granulocyte macrophage colony stimulating factor-interleukin 3 fusion protein. Proceedings of the National Academy of Sciences USA. July 1991, Vol. 88, pages 5809-5813, see page 5809, column 2.	16-18, 21 ----- 19,
X - Y	US 5,723,125 A (CHANG et al.) 03 March 1998 (02.03.98), see abstract and column 2, lines 34-44.	1-6, 24 ----- 25
<input checked="" type="checkbox"/> Further documents are listed in the continuation of Box C. <input type="checkbox"/> See patent family annex.		
* Special categories of cited documents:      ** later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention *A* document defining the general state of the art which is not considered to be of particular relevance *B* earlier document published on or after the international filing date *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified) *O* document referring to an oral disclosure, use, exhibition or other means *P* document published prior to the international filing date but later than the priority date claimed *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art *A* document member of the same patent family		
Date of the actual completion of the international search 28 SEPTEMBER 2000		Date of mailing of the international search report 14 NOV 2000
Name and mailing address of the ISA/US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231 Facsimile No. (703) 305-3230		Authorized officer <i>FOZIA HAMUD</i> Telephone No. (703) 308-0196

## INTERNATIONAL SEARCH REPORT

International application No.  
PCT/US00/19336

## C (Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to
A	WO 98/38212 A2 (GENETICS INSTITUTE, INC.) 03 September 1998 (03.09.98), see entire document.	1-6, 15-21, 2